

SENATE BILL 721

By Tate

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 3, relative to child care givers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 3, is amended by adding
Section 2 through Section 5 of this act as a new, appropriately designated part:

SECTION 2.

(a) There is established the Tennessee board of credentialing for child
care professionals.

(b) The board of credentialing for child care professionals is authorized to
adopt professional assessment criteria, develop training and performance
standards, and award all certification and credentials requirements for child care
professionals under the state's child care licensing and evaluation system.

(c) The board shall be composed of nine (9) members appointed by the
governor. There shall be at least two (2) members from each grand division of
the state.

(1) Five (5) members shall be members of the Memphis early
childhood education committee.

(2) Two (2) members shall be persons who hold a baccalaureate
degree with a major in early childhood education.

(3) One (1) member shall be an instructor in the area of childhood
education, for at least five (5) years. Such member shall be entitled to
participate in all activities of the board, except administration of
examinations.

(4) One (1) member shall be an owner of a childcare center licensed by the department of human services. Such member shall be entitled to participate in all activities of the board, except administration of examinations.

(d) Each member shall have been a bona fide resident of this state for a period of at least five (5) years immediately preceding the date of appointment.

(e) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

SECTION 2.

(a)

(1) Of the members initially appointed, one (1) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, two (2) shall serve a term of three (3) years, and two (2) shall serve a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be made for the duration of the unexpired term.

(2) The childcare center owner and instructor members of the board shall initially be appointed to terms of three (3) years and four (4) years, respectively. Thereafter, all appointments shall be made for a term of four (4) years from the expiration date of the preceding term, except that appointments made to fill vacancies shall be for the duration of the unexpired term.

(b) Before entering upon their duties, members of the board shall take and subscribe to the oath of office provided for state officers.

(c) The governor may remove any member of the board for misconduct, incompetency, willful neglect of duty, or other just cause.

(d) Members shall hold over after the expiration of their term until a successor is appointed and qualified.

SECTION 3.

(a) The board shall annually elect from its members a chair and vice chair.

(b) A majority of the board shall constitute a quorum for the transaction of business at any board meeting.

(c) The director of the division of regulatory boards in the department of commerce and insurance, or the director's designee, shall serve as secretary of the board, and shall perform all administrative functions for the board.

(d) The duties of the board shall be to conduct or cause to be conducted examinations of applicants, and to make and declare the policy of the board.

(e) The board is authorized to promulgate such rules as are reasonably necessary to effectuate the provisions of this chapter. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4.

(a) All fees and moneys from whatever source coming into the hands of the board shall be paid by the board to the state treasurer and become a part of the general fund.

(b) The commissioner of finance and administration shall make allotments out of the general fund for the proper expenditures of the board. No expenditure shall be made by the board until allotment therefore has been made by the commissioner. Such

allotments for the operation of the board shall be disbursed under the general budgetary laws of the state.

SECTION 5.

(a) The board shall keep a record of its proceedings. Such record shall be prima facie evidence of matters therein contained, and shall at all reasonable times be open for public inspection.

(b) The board shall publish a compilation of its rules in pamphlet form and distribute the same. Amendments and changes in such rules shall likewise be published by the board.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.